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United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

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# **Animal Welfare Enforcement FY 1979**

**Report of the Secretary of Agriculture  
to the President of the Senate and the  
Speaker of the House of Representatives**



#### Legislation and Registration

The Animal Welfare Act is composed of a law enacted in 1966 (PL 89-544), and amended in 1970 (PL 91-579) and again in 1976 (PL 94-279). Administration and enforcement of the Act is assigned to the U.S. Department of Agriculture (USDA), which issues regulations and standards needed to effectuate the purposes of the Act.

Animals that come under the Act and its regulations include hamsters, guinea pigs, rabbits, dogs, cats, monkeys, and other nonhuman primates and most other warmblooded animals. Animals not included under the Act or regulations are rats, mice, birds, farm animals, and all coldblooded animals such as reptiles and fish.

Marine or aquatic mammals originally were exempted by regulation because available information was not sufficient to support a sound and enforceable scheme of regulation. Over the years, USDA, in cooperation with the Marine Mammal Commission and other private and governmental agencies, developed appropriate

regulations and standards, and USDA published a proposal in the Federal Register of August 18, 1977, to bring marine mammals under regulation.

Varying comments to the proposal were received, necessitating a revised proposal, which was published September 19, 1978. Once again, a number of important issues were raised which required extensive work. Final rulemaking was published in the June 22, 1979, Federal Register and marine mammals are now fully included under the Act and regulations.

#### Enforcement Officials

Enforcement activities by USDA are carried out by Veterinary Services of the Animal and Plant Health Inspection Service (APHIS). Nationwide, there are five operating regions, with area offices in most State capitals. They can be found under "U.S. Government" listings in the telephone book.

#### Field Force

The field force consists of veterinary medical officers, compliance officers, animal health technicians, and animal health aides. Most of them do not devote all their time to animal care assignments. In 1979, however, 11 specially trained field veterinarians and 18 compliance officers were assigned exclusively to animal care enforcement. In addition, a large number of animal health aides were hired to work exclusively on animal welfare inspections, particularly at dealer facilities and airports. Because they were able to

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This report is prepared annually by the Secretary, as required by Section 25 of the Animal Welfare Act, as amended.

wild animals, and animal brokers. Retail pet stores need not be licensed unless they sell wild animals. Also exempted from licensing are persons who derive no more than \$500 in gross income per year from animal sales and do not sell dogs, cats, or wild animals; and persons who breed and raise dogs on their own premises and derive less than a substantial part of their income from sales to wholesale buyers or research facilities.

At the end of 1979, there were 3,982 active licensed dealers, of which 622 were newly licensed (appendix, table 1). During the fiscal year, 868 dealers surrendered their licenses. Another 79 licensees were considered inactive because they had not renewed their licenses, and APHIS had not yet cancelled them.

#### Carriers and Intermediate Handlers

Regulated carriers are enterprises engaged in the business of transporting animals for hire. In practice, almost all carriers are airlines, although railroads, motor carriers, and shipping lines also can qualify.

Intermediate handlers are enterprises taking custody of animals in connection with their transportation in commerce. In practice, most are kennels that offer airport pickup and delivery service for pets. Dealers, research facilities, and exhibitors may function as carriers and intermediate handlers, but need not have a separate registration. Departments, agencies, or instrumentalities of Federal, State, or local governments can also be "intermediate handlers."



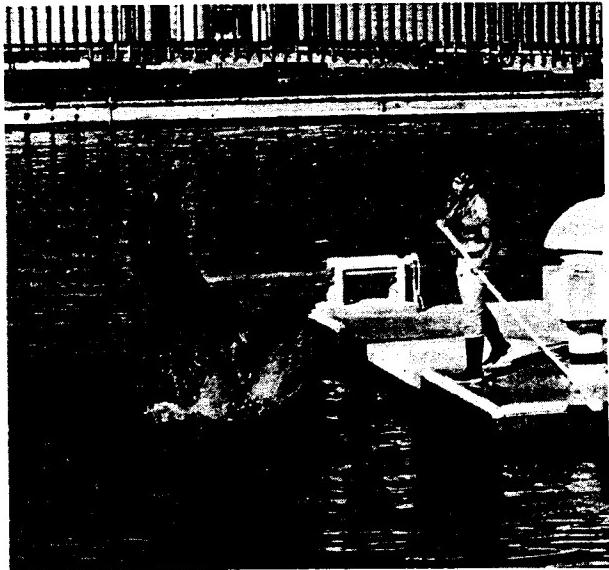


The reports cover the care, treatment, and use of laboratory animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs. The reporting requirement is not meant to interfere with research in any way. Its purpose is to assure that research and experimentation deemed necessary by the institution is done with proper attention to the care and treatment of laboratory animals (appendix, tables 2, 3, 4, and 5).

During 1979, the form on which research facilities report the use of regulated animals was changed. The new format is intended to remind those completing the form that

appropriate pain relief must be provided not only during actual research, testing, and experimentation but also during the period that follows, when animals are recovering from the research procedures.

The report on pain relief, as well as the overall records of animal care at research facilities, is monitored by APHIS field inspectors who conduct recurring compliance inspections. The standards on veterinary care require that each animal must be inspected daily for signs of ill health. Sick animals must receive prompt, professional care--whether or not drugs are given.



### Implementing Marine Mammal Regulation

APHIS now is enforcing rules published on June 22, 1979, placing marine mammals under the protection of the Animal Welfare Act.

Standards for housing marine mammals became effective September 20, 1979. However, officials recognize that tanks, pools, and other structures cannot be rebuilt instantly to meet new standards, so the regulations provide for variances lasting up to 3 years.

The deadline for submitting applications for variances was November 20, 1979, and APHIS already had received a number of them at the end of the fiscal year. Applications for variances do not guarantee that a variance is granted. Each application is thoroughly reviewed to assure that the health and well-being of animals is not threatened.

Exhibitors are not granted variances for facilities in which to keep animals not presently housed on their premises. Federal agencies do not issue permits to obtain animals unless APHIS certifies that the animals will be housed in a facility that fully meets APHIS standards. This provision is part of an

agreement between APHIS and the U.S. Department of Commerce's National Marine Fisheries Service, the U.S. Department of the Interior's Fish and Wildlife Service, and the Marine Mammal Commission.

### Investigation of Public Complaints

Aware and concerned members of the public can and do uncover instances of inhumane and illegal care and treatment of animals. APHIS responds to all public complaints and puts a high priority on investigating those that involve possible violations of the Animal Welfare Act. Again in 1979, a steady flow of letters, telegrams, and telephone calls were received on the topic.

Public complaints led to 703 investigations during 1979 (appendix, table 6).

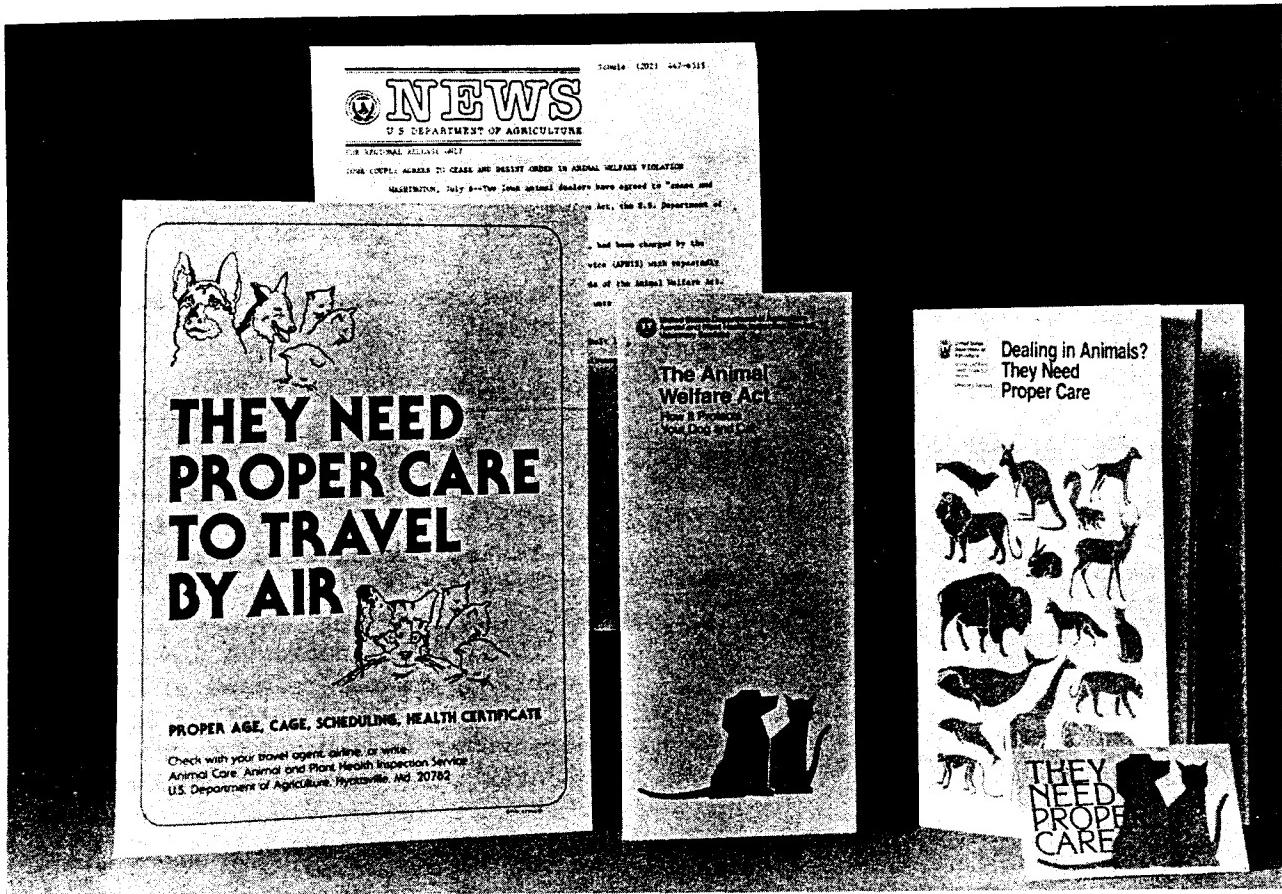
### Prelicensing Inspections

Prelicensing inspections are made before dealers and exhibitors are licensed to assure that their facilities, housing, equipment, and programs of veterinary care meet Federal standards. APHIS also inspects kennels before they are used to hold animals for licensed dealers to help them comply with the 5-day holding requirement for dogs and cats (an anti-petnapping provision of the Animal Welfare Act).

APHIS representatives conducted 1,727 such inspections during 1979 (appendix, table 6).

### Recurring Compliance Inspections

All licensees and registrants are inspected to determine if they meet USDA regulations and standards. Unannounced inspections are made at their business locations and at all premises where they keep regulated animals.



#### Letters of warning

Some reports of alleged violations are closed by letters of warning citing a specific violation and offering assistance to avoid further violations. Warning letters generally deter further violations, but when they are not heeded, they strengthen future prosecution.

In 1979, APHIS issued 52 letters of warning (appendix, table 7).

#### Public Information

Public information to support APHIS animal welfare activities is handled by the APHIS Information Division. Information materials generated on animal welfare are distributed through public media. Mailings are made to target audiences, such as humane societies, publishers of

trade magazines, and other national, regional, State, and local organizations that publish information on animal welfare.

Regional information offices of USDA distribute information of local interest to newspapers and other local media. In addition, staff and field officials and information officers cooperate in bringing talks, exhibits, and information materials to conventions and exhibitions sponsored by industry and humane organizations.

#### Press Releases and Publications

Press releases issued on animal welfare are used to report charges filed against violators and the outcome of resulting prosecutions. APHIS finds that when it publicizes

## APPENDIX

Table 1.--Number of active licensees and registrants FY 79

State	Intermediate Handlers and Carriers	Licensed Dealers	Animal Exhibitors		Registered Research Facilities
			Licensed	Registered	
TOTAL U.S.	139	3,982	978	239	1,051
Alabama	0	25	3	0	7
Alaska	1	0	2	3	1
Arizona	0	19	7	0	8
Arkansas	0	87	8	1	2
California	17	82	119	1	126
Colorado	11	23	6	10	24
Connecticut	1	9	19	0	14
Delaware	0	5	1	0	6
Florida	18	99	144	4	36
Georgia	3	12	15	5	6
Hawaii	10	0	9	0	55
Idaho	2	11	5	0	4
Illinois	1	132	35	3	57
Indiana	0	66	37	3	20
Iowa	1	498	6	8	10
Kansas	1	939	12	9	14
Kentucky	0	8	1	4	4
Louisiana	1	8	6	2	13
Maine	3	20	11	0	12
Maryland	4	13	8	2	25
Massachusetts	1	33	28	1	58
Michigan	1	42	8	52	46
Minnesota	3	119	25	24	15
Mississippi	1	23	6	1	2
Missouri	1	548	14	8	25
Montana	0	5	3	1	2
Nebraska	0	153	5	2	9
Nevada	0	2	15	0	1
New Hampshire	0	14	10	0	3
New Jersey	2	39	28	0	56
New Mexico	4	6	4	1	6
New York	10	57	46	2	111
North Carolina	5	34	26	5	18
North Dakota	1	10	5	0	3
Ohio	0	101	32	16	64
Oklahoma	1	190	10	1	10
Oregon	0	82	18	0	14
Pennsylvania	5	96	67	0	75
Rhode Island	0	5	6	0	10
South Carolina	4	20	7	4	4
South Dakota	0	47	5	0	2
Tennessee	1	13	10	0	10
Texas	8	117	35	21	33
Utah	3	6	7	0	8
Vermont	1	15	2	0	5
Virginia	3	22	12	0	11
Washington	7	26	13	1	16
West Virginia	0	5	3	4	4
Wisconsin	1	59	66	41	19
Wyoming	0	2	1	1	4
Puerto Rico	1	35	7	0	6
District of Columbia	1	0	0	0	0

Table 3.--"Other" animals used in experimentation (FY 1979)  
 (A tabulation of animals listed as "other" in Table 2)

State	Guinea pigs	Hamsters	Rabbits	Wild animals
TOTAL U.S.	457,134	419,504	539,594	76,247
Alabama	990	9,468	3,020	14
Alaska	40	-	-	311
Arizona	1,903	1,210	2,140	297
Arkansas	366	66	657	17
California	34,526	40,143	63,994	6,745
Colorado	5,968	3,356	5,971	436
Connecticut	5,993	4,711	6,450	132
Delaware	7,673	-	1,286	200
Florida	4,706	1,742	11,004	3,494
Georgia	862	23,303	4,639	825
Hawaii	413	300	330	60
Idaho	164	-	163	161
Illinois	228,741	19,154	42,451	4,109
Indiana	20,443	2,575	9,749	1,008
Iowa	4,460	16,579	5,493	1,044
Kansas	16,514	31,924	6,566	1,907
Kentucky	775	4,573	868	39
Louisiana	1,427	590	1,655	549
Maine	53	70	5,340	25
Maryland	11,016	9,328	5,384	32
Massachusetts	11,697	24,238	21,600	2,978
Michigan	28,088	16,727	16,825	509
Minnesota	3,821	816	7,452	2,341
Mississippi	356	443	315	47
Missouri	12,012	12,590	27,482	1,811
Montana	170	79	357	122
Nebraska	1,484	20,763	1,903	307
Nevada	292	108	112	84
New Hampshire	98	1,745	341	74
New Jersey	57,265	40,886	97,711	11,784
New Mexico	1,086	1,344	768	787
New York	55,465	22,717	37,196	3,533
North Carolina	8,528	5,869	6,072	2,514
North Dakota	92	50	625	94
Ohio	16,191	5,629	14,124	1,825
Oklahoma	406	173	917	181
Oregon	1,533	1,117	1,861	4,105
Pennsylvania	27,820	24,188	30,250	1,845
Rhode Island	86	362	262	79
South Carolina	632	2,781	932	174
South Dakota	132	660	335	12
Tennessee	7,316	13,501	7,614	287
Texas	9,753	14,257	23,301	2,474
Utah	564	46	3,821	367
Vermont	225	300	1,738	229
Virginia	3,094	1,441	9,054	3,318
Washington	11,752	2,028	5,836	194
West Virginia	2,895	849	893	55
Wisconsin	5,845	8,757	9,691	8,351
Wyoming	131	317	35	75
Puerto Rico	300	-	273	-
Dist. of Columbia	547	418	533	149
Fed. Agencies	40,425	25,213	32,205	4,137

Table 5. Animals to which pain relieving drugs were administered to avoid pain or distress (FY 1979)

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea Pigs	Hamsters	Wild Animals	
TOTAL U.S.	682	504,790	146,654	45,813	20,362	81,563	87,244	116,202	6,952
Alabama	5	15,801	3,895	1,083	133	526	8,650	1,514	-5
Alaska	1	5	-	-	-	-	-	-	3
Arizona	7	2,853	955	345	30	496	472	552	9
Arkansas	1	1,483	546	132	21	343	66	366	356
California	52	39,937	9,713	3,080	1,556	7,239	2,751	15,242	81
Colorado	13	5,665	2,403	600	-	773	140	1,668	5
Connecticut	6	8,235	632	603	118	2,523	2,451	1,903	200
Delaware	3	377	134	-	3	0	0	40	209
Florida	18	7,305	2,142	1,407	55	883	903	1,706	38
Georgia	3	6,984	1,288	451	160	563	1,282	3,202	-
Hawaii	3	97	4	-	52	13	-	28	-
Idaho	2	25	6	19	-	-	-	-	-
Illinois	31	23,540	10,582	1,309	946	1,869	3,874	4,387	573
Indiana	9	13,312	3,809	1,497	85	3,999	702	3,164	56
Iowa	7	4,667	2,086	799	25	211	300	761	485
Kansas	7	22,551	1,145	92	5	2,250	16,108	2,917	34
Kentucky	3	5,395	1,460	349	35	415	2,512	615	9
Louisiana	6	5,930	2,725	1,366	595	763	107	374	-
Maine	7	134	-	-	-	3	8	123	-
Maryland	13	14,226	4,171	1,413	894	2,350	4,177	1,221	-
Massachusetts	29	14,286	4,428	1,090	494	667	3,640	3,644	323
Michigan	25	12,010	4,902	992	506	1,743	1,979	1,782	106
Minnesota	11	11,723	6,117	1,661	122	1,170	85	2,298	270
Pennsylvania	1	133	42	-	-	56	-	23	12
Missouri	19	30,226	6,539	2,123	348	5,449	3,315	12,400	52
Montana	1	15	-	15	-	-	-	-	-
Nebraska	5	3,885	730	152	77	57	1,574	1,295	-
Nevada	1	33	-	9	-	-	-	24	-
New Hampshire	2	664	72	277	-	9	270	36	-
New Jersey	28	25,009	4,664	1,886	277	10,368	4,740	2,866	208
New Mexico	2	1,723	342	46	27	791	330	144	43
New York	61	42,190	10,552	5,607	2,349	8,485	5,463	9,281	453
North Carolina	10	13,858	3,903	1,543	227	2,178	3,149	2,468	390
North Dakota	2	614	93	12	6	72	-	416	15
Ohio	41	15,619	6,336	1,085	309	2,490	886	4,289	224
Oklahoma	6	2,932	1,026	487	48	392	133	716	130
Oregon	8	4,707	608	268	1,188	622	324	1,152	545
Pennsylvania	41	23,353	6,383	3,470	847	3,778	4,325	4,448	102
Rhode Island	4	1,325	507	326	19	26	362	19	-
South Carolina	4	5,630	1,756	180	52	180	2,504	844	114
South Dakota	2	751	162	45	-	50	330	164	-
Tennessee	8	7,983	4,077	379	25	1,218	92	2,045	147
Texas	21	32,472	16,451	3,126	3,533	1,042	2,502	5,680	138
Utah	6	2,598	1,115	647	2	125	-	2	73
Vermont	2	171	-	-	-	-	53	118	-
Virginia	10	11,376	2,257	1,302	1,291	2,753	595	2,409	769
Washington	7	3,117	788	33	646	85	812	741	12
West Virginia	3	324	160	4	-	160	-	-	-
Wisconsin	11	5,570	1,263	282	150	1,754	600	1,467	54
Wyoming	3	440	25	30	-	55	279	19	32
Puerto Rico	2	208	30	15	-	50	-	113	-
District of Columbia	3	2,083	861	772	20	31	24	364	11
Federal Agencies	106	49,240	12,769	3,404	3,086	10,279	4,375	14,661	666

Table 7.--Number of cases closed (1979)

State	Total closed	Penalty imposed	Cases closed without prejudice*	Warning issued
TOTAL U.S.	203	18	133	52
Alabama	2	-	1	1
Alaska	-	-	-	-
Arizona	-	-	-	-
Arkansas	2	-	2	-
California	9	2	9	-
Colorado	4	2	1	1
Connecticut	1	-	-	-
Delaware	-	-	-	-
Florida	18	-	17	1
Georgia	1	-	1	-
Hawaii	-	-	-	-
Idaho	1	-	1	1
Illinois	6	1	4	1
Indiana	4	-	3	1
Iowa	10	3	6	-
Kansas	50	-	39	11
Kentucky	-	-	-	-
Louisiana	-	-	-	-
Maine	2	-	2	1
Maryland	2	-	1	-
Massachusetts	7	2	2	3
Michigan	4	-	3	1
Minnesota	9	-	4	5
Mississippi	-	-	-	-
Missouri	13	4	8	1
Montana	-	-	-	-
Nebraska	1	-	1	-
Nevada	1	-	1	2
New Hampshire	5	-	3	-
New Jersey	3	-	3	-
New Mexico	1	-	-	1
New York	4	-	2	2
North Carolina	10	-	1	9
North Dakota	-	-	-	-
Ohio	-	-	-	-
Oklahoma	2	-	2	-
Oregon	5	2	3	-
Pennsylvania	2	1	1	-
Rhode Island	1	-	-	1
South Carolina	-	-	-	-
South Dakota	1	-	1	-
Tennessee	1	-	1	-
Texas	8	-	4	4
Utah	1	1	-	-
Vermont	1	-	-	1
Virginia	1	-	1	-
Washington	4	1	2	1
West Virginia	-	-	-	-
Wisconsin	6	1	3	2
Wyoming	-	-	-	-
Puerto Rico	-	-	-	-
District of Columbia	-	-	-	-

\*Includes cases for which further action is not warranted.